

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Justin Huang	Team: Squad #10	CCRB Case #: 202303510	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 04/22/2023 2:05 AM	Location of Incident: Major Deegan Expressway (West Fordham Road Exit)	18 Mo. SOL 10/22/2024	Precinct: 52		
Date/Time CV Reported Sat, 04/22/2023 1:59 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 04/22/2023 1:59 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Nikolaos Stefopoulos	00000	944294	PSB CRT
2. PO Viton Ademaj	11843	960130	HWY 1
3. DTS Kyle Kelly	01227	967566	CD OFF
4. SGT SA James Seder	03111	947479	PSB CRT
5. PO Nicholas Gluth	07905	966079	PSB CRT
6. DTS Frank Russo	07549	966319	PSB CRT
7. DTS Anson Dejesusnunez	00196	967035	CD OFF
8. DT1 Kaz Daughtry		940052	CD OFF
9. SGT Jan Rogowski	01228	955406	CD OFF
10. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Racine Otway	17426	970052	PSB CRT
2. DTS Charlie Viera	00618	939655	HWY 3
3. PO Kevin Ferguson	21469	973388	PSB CRT

Officer(s)	Allegation	Investigator Recommendation
A . An officer	Abuse: An officer stopped the vehicle in which § 87(2)(b) was an occupant.	
B . LT Nikolaos Stefopoulos	Abuse: Lieutenant Nikolaos Stefopoulos improperly used his body-worn camera.	
C . DTS Frank Russo	Abuse: Detective Frank Russo improperly used his body-worn camera.	
D . SGT SA James Seder	Abuse: Sergeant James Seder improperly used his body-worn camera.	
E . SGT Jan Rogowski	Abuse: Detective Jan Rogowski improperly used his body-worn camera.	
F . DTS Anson Dejesusnunez	Abuse: Police Officer Anson Dejesusnunez improperly used his body-worn camera.	
G . PO Nicholas Gluth	Abuse: Police Officer Nicholas Gluth improperly used his body-worn camera.	
H . DT1 Kaz Daughtry	Abuse: Detective Kaz Daughtry improperly used his body-worn camera.	
I . LT Nikolaos Stefopoulos	Abuse: Lieutenant Nikolaos Stefopoulos frisked § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
J . DTS Kyle Kelly	Abuse: Detective Kyle Kelly searched the vehicle in which § 87(2)(b) was an occupant.	
K . LT Nikolaos Stefopoulos	Abuse: Lieutenant Nikolaos Stefopoulos searched the vehicle in which § 87(2)(b) was an occupant.	
L . SGT SA James Seder	Abuse: Sergeant James Seder searched the vehicle in which § 87(2)(b) was an occupant.	
M . SGT Jan Rogowski	Abuse: Detective Jan Rogowski searched the vehicle in which § 87(2)(b) was an occupant.	
N . LT Nikolaos Stefopoulos	Abuse: Lieutenant Nikolaos Stefopoulos failed to provide § 87(2)(b) with a business card.	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
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§ 87(4-b) § 87(2)(g)		

### Case Summary

On April 22, 2023, § 87(2)(b) filed this complaint with the CCRB online.

On April 22, 2023, at approximately 2:05AM, while § 87(2)(b) was driving on the Major Deegan Expressway, an unidentified officer, along with Lieutenant Nikolaos Stefopoulos, Detectives Kyle Kelly, Kaz Daughtry, Frank Russo, Charlie Viera, and Jan Rogowski, Police Officers Viton Ademaj, Racine Otway, Kevin Ferguson, Anson Dejesusnunez and Nicholas Gluth, and Sergeant James Seder, all from or temporarily assigned to the Patrol Services Bureau Community Response Team (Det. Daughtry has since been promoted to Deputy Commissioner of Operations, a civilian position within the NYPD; Det. Rogowski has since been promoted to sergeant; PO Dejesusnunez has since been promoted to detective), stopped § 87(2)(b) (**Allegation A: Abuse of Authority – Vehicle Stop**, § 87(2)(g)). Det. Daughtry, Lieutenant Stefopoulos, Det. Russo, Sgt. Seder, Det. Rogowski, PO Dejesusnunez, and PO Gluth all improperly used their body-worn cameras (BWCs) (**Allegations B, C, D, E, F, and G: Abuse of Authority – Improper Use of Body-Worn Camera**, § 87(2)(g)) (**Allegation H: Abuse of Authority – Improper Use of Body-Worn Camera**, § 87(2)(g)). Lieutenant Stefopoulos frisked § 87(2)(b) (**Allegation I: Abuse of Authority – Frisk**, § 87(2)(g)). Det. Kelly, Sgt. Seder, Det. Rogowski, and Lieutenant Stefopoulos searched § 87(2)(b)'s vehicle (**Allegations J, K, L, and M: Abuse of Authority – Vehicle Search**, § 87(2)(g)). Lieutenant Stefopoulos failed to provide § 87(2)(b) with a business card (**Allegation N: Abuse of Authority – Failure to Provide RTKA Card**, § 87(2)(g)). § 87(4-b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

There were no arrests made or summons issued during the incident.

The CCRB received BWC footage from the NYPD that captured the incident (**BR 01**). Relevant footage will be discussed below (**BR 03-12**).

### Findings and Recommendations

**Allegation (A) Abuse of Authority: An officer stopped the vehicle in which § 87(2)(b) was an occupant.**

§ 87(2)(b) (**BR 02**) stated that the vehicle he was driving had tinted windows. While driving, he noticed two unmarked vehicles in the middle lane, while he was in the right lane. One of the vehicles moved in front of him while the other moved behind him. § 87(2)(b) exited the expressway and, almost immediately, the vehicle in front of him stopped, forcing § 87(2)(b) to also stop. All vehicles turned on their police lights. Approximately ten officers then approached § 87(2)(b)'s vehicle.

Footage from PO Ademaj's vehicle-mounted dashboard camera (**BR 03**) shows that his vehicle was directly behind § 87(2)(b)'s vehicle. At 00:25, PO Ademaj pulls up on the right side of § 87(2)(b). § 87(2)(b)'s vehicle is shown to have heavy tints on the front and rear passenger side windows. At 00:45, when the light turns green, PO Ademaj drives slowly to the left, cutting off § 87(2)(b)'s vehicle, and stops while flashing police lights.

BWC footage from PO Ademaj, Lieutenant Stefopoulos, PO Otway, Det. Viera, PO Ferguson, Sgt. Seder, Det. Kelly, PO Gluth, and Det. Russo (**BR 04-12**) all do not show who initiated the stop. Det. Kelly, Det. Viera, Lieutenant Stefopoulos, PO Ferguson, and PO Otway's BWC videos all show that within the first 30 seconds, multiple officers are already present and/or interacting with § 87(2)(b). Det. Russo, PO Gluth, and Sgt. Seder's BWC videos begin with the listed officers standing next to § 87(2)(b)'s vehicle while the vehicle stop is already in progress. Additionally, PO Ademaj's BWC video (**BR 03**) shows that at approximately 1:30, Det.

Daughtry is seen speaking with § 87(2)(b) at the driver's side window while PO Ademaj approaches. PO Ademaj tells § 87(2)(b) that he has tinted windows and no front license plate, while Det. Daughtry says that there is an electronic plate cover on the rear license plate. At 01:48, PO Ademaj walks past the front of the vehicle, where there is no front license plate attached. The CCRB did not receive any BWC footage from Det. Daughtry, PO Dejesusnunez, or Det. Rogowski (BR 01).

PO Ademaj (BR 13) stated that although he was operating the vehicle that pulled in front of § 87(2)(b) he only did so because he received a radio communication instructing him to do so. PO Ademaj did not remember who had put in the call over the radio and said that no one in his vehicle had made the call. PO Ademaj also stated that his vehicle was part of a multi-vehicle caravan with several other officers.

Lieutenant Stefopoulos, Sgt. Seder, Det. Kelly, PO Gluth, PO Dejesusnunez, Det. Russo, and Det. Rogowski (BR 14-20) all denied initiating the vehicle stop and did not know who had done so. Lieutenant Stefopoulos, Sgt. Seder, and Det. Kelly all stated that they became aware of the vehicle stop when they observed police lights and slowed traffic, then observed the vehicle stop already in progress when they exited their own vehicles and approached § 87(2)(b)'s vehicle. PO Dejesusnunez, Det. Russo, PO Gluth, and Det. Rogowski did not remember the circumstances leading up to the vehicle stop, nor did they remember what signs they observed that a vehicle stop was in progress or how they got involved in the incident.

Det. Daughtry is no longer a uniformed member of service and has since been promoted to Deputy Commissioner of Operations, which is a civilian position and outside the CCRB's jurisdiction (BR 21).

The CCRB received positive results for radio runs relating to the West Fordham Road exit of the Major Deegan Expressway. However, the radio run listed was made at 10:13PM on April 21, 2023, approximately four hours before the incident occurred (BR 22).

Vehicle and Traffic Law Article 9, Section 375.12a (BR 37) states that vehicles cannot have windows with a light transmittance of less than seventy percent.

Vehicle and Traffic Law Article 14, Section 402.1 (BR 38) states that vehicles must have two license plates affixed, one in the front and one in the rear.

§ 87(2)(g)

**Allegation (B) Abuse of Authority: Lieutenant Nikolaos Stefopoulos improperly used his body-worn camera.**

**Allegation (C) Abuse of Authority: Detective Frank Russo improperly used his body-worn camera.**

**Allegation (D) Abuse of Authority: Sergeant James Seder improperly used his body-worn camera.**

**Allegation (E) Abuse of Authority: Detective Jan Rogowski improperly used his body-worn camera.**

**Allegation (F) Abuse of Authority: Police Officer Anson Dejesusnunez improperly used his body-worn camera.**

**Allegation (G) Abuse of Authority: Police Officer Nicholas Gluth improperly used his body-worn camera.**

**Allegation (H) Abuse of Authority: Detective Kaz Daughtry improperly used his body-worn camera.**

BWC footage from Lieutenant Stefopoulos, Det. Russo, Det. Seder, and PO Gluth (BR 05, 09, 11, 12) all show that they did not activate their BWCs when approaching the vehicle stop and had activated them (at the 01:00 mark) when the stop was already in progress. The CCRB also did

not receive any BWC footage from Det. Daughtry, PO Dejesusnunez, or Det. Rogowski (**BR 01**).

Lieutenant Stefopoulos and Sgt. Seder (**BR 14-15**) both stated that they initially did not know what was going on and did not plan on taking any police actions upon approach. When they realized that a vehicle stop was in progress, they activated their BWCs. Det. Russo (**BR 18**) did not remember why he activated his BWC while the vehicle stop was in progress instead of upon approach. PO Gluth (**BR 20**) forgot to activate his BWC upon getting out of his vehicle and stated that he initially did not plan on taking any enforcement action, turning on his BWC only when he saw § 87(2)(b) being removed from the vehicle. PO Dejesusnunez (**BR 17**) did not remember if he activated his BWC during the incident. Det. Rogowski stated that his BWC ran out of battery due to usage earlier in his tour, which prevented him from activating it during the incident (**BR 19**).

Det. Daughtry is no longer a uniformed member of service and has since been promoted to Deputy Commissioner of Operations, which is a civilian position and outside the CCRB's jurisdiction (**BR 21**).

NYPD Patrol Guide Procedure 212-123 (**BR 23**) states that officers must activate their BWC prior to engaging in any police action and record any interaction that escalates to become adversarial or may hold evidentiary value.

§ 87(2)(g)

**Allegation (I) Abuse of Authority: Lieutenant Nikolaos Stefopoulos frisked § 87(2)(b)**

§ 87(2)(b) (**BR 02**) stated that while discussing his tinted windows, Lieutenant Stefopoulos and other officers told him to exit the vehicle, which he did. Lieutenant Stefopoulos frisked him by patting down his pants pockets. § 87(2)(b) did not remember what he had in his pockets but did not see Lieutenant Stefopoulos remove anything.

BWC footage from Lieutenant Stefopoulos (**BR 05**) shows that at approximately 01:34, Det. Daughtry opens the driver's side door and tells § 87(2)(b) to step out and leave everything in the car, which he does with his hands up. At 02:06, Lieutenant Stefopoulos asks, "You have nothing on you, right?" and § 87(2)(b) responds, "I'm good, money." Lieutenant Stefopoulos then frisks him by patting down his front pants pockets, rear pockets, and waistband. At 02:24, Lieutenant Stefopoulos ends his frisk.

Lieutenant Stefopoulos (**BR 14**) stated that § 87(2)(b) appeared nervous based on his tone of voice and reluctance to follow Det. Daughtry's command to exit the vehicle. However, this behavior did not raise Lieutenant Stefopoulos' suspicion or concern for safety more than usual. Once Lieutenant Stefopoulos asked § 87(2)(b) to comply with Det. Daughtry's command, § 87(2)(b) acquiesced and exited the vehicle. Lieutenant Stefopoulos asked § 87(2)(b) if he had anything on him. § 87(2)(b) replied with something along the lines of, "You can go check. I'm good money." Lieutenant Stefopoulos frisked § 87(2)(b) in the waistband area, back pockets, and front pockets to make sure that he had no weapons. Lieutenant Stefopoulos did not remember if he felt or saw anything suspicious, or anything that looked like a weapon during the frisk. Lieutenant Stefopoulos did not recover any contraband during the frisk.

People v. De Bour, 40 N.Y.2d 210, (1976) (**BR 24**) states that police officers may stop and detain a person when there is reasonable suspicion that person has committed, is committing or is about to commit a felony or misdemeanor. During such time, officers may conduct a frisk if they reasonably suspect that they are "in danger of physical injury by virtue of the detainee being armed." In addition, "innocuous behavior" alone does not generate reasonable or founded suspicion

that a crime has occurred, nor does it constitute probable cause.

People v. Goodson, 95 A.D.3d 1569 (2011) (BR 42) states that “police officers may frisk passengers in a lawfully stopped vehicle to the extent necessary to guard their safety, provided that they act on ‘reasonable suspicion that criminal activity is afoot and on an articulable basis to fear for [their] own safety’.”

§ 87(2)(g)

**Allegation (J) Abuse of Authority: Detective Kyle Kelly searched the vehicle in which § 87(2)(b) was an occupant.**

**Allegation (K) Abuse of Authority: Lieutenant Nikolaos Stefopoulos searched the vehicle in which § 87(2)(b) was an occupant.**

**Allegation (L) Abuse of Authority: Sergeant James Seder searched the vehicle in which § 87(2)(b) was an occupant.**

**Allegation (M) Abuse of Authority: Detective Jan Rogowski searched the vehicle in which § 87(2)(b) was an occupant.**

It is undisputed that Det. Kelly, Sgt. Seder, Det. Rogowski and Lieutenant Stefopoulos searched § 87(2)(b)'s vehicle.

§ 87(2)(b) (BR 02) stated that after Lieutenant Stefopoulos frisked him, he directed § 87(2)(b) to stand by the trunk of the vehicle. While standing by the trunk, § 87(2)(b) observed two officers open his vehicle doors and search the entire vehicle, from the front seats, console, and glove compartment to the back seats. No one searched the trunk.

BWC footage from Det. Kelly (BR 10) shows that at approximately 01:26, Det. Kelly borrows a flashlight from PO Ferguson, extends his hand and the flashlight into the vehicle and looks at the back seat and floor. At 00:49, Det. Kelly returns the flashlight to PO Ferguson. At 02:27, Det. Kelly opens the rear passenger side door and begins to search the backseat of the vehicle. Sgt. Seder, who is standing on the other side of the vehicle, asks, “The car’s good?” Det. Kelly searches several boxes on the floor of the vehicle. At 03:24, Det. Kelly stops searching the vehicle and closes the door.

BWC footage from Sgt. Seder (BR 09) shows that at approximately 00:56, Sgt. Seder stands behind Lieutenant Stefopoulos as he and Det. Daughtry tell § 87(2)(b) to exit the vehicle. At 01:06, Sgt. Seder asks, “The car’s good?” and § 87(2)(b) replies, “Everything’s good.” Det. Kelly and Det. Rogowski search the opposite side of the vehicle. Sgt. Seder then asks, “If we take a look, we ain’t find nothing, right?” § 87(2)(b) does not answer. At 01:29, Sgt. Seder opens the rear driver’s side door and searches the back seat. At 02:08, he also searches the compartments of the center console. At 02:41, Sgt. Seder exits the vehicle and closes the door.

BWC footage from Lieutenant Stefopoulos (BR 05) shows that at approximately 02:24, Det. Daughtry directs § 87(2)(b) to go stand in the back of the vehicle. At 02:30, Lieutenant Stefopoulos searches the driver’s side door, where he moves a water bottle in the lower pocket to the side and pulls out what appears to be a closed pocketknife from under the water bottle. At 02:41, Lieutenant Stefopoulos returns the pocketknife to its original position under the water bottle. He then searches the bottom and top of the driver’s seat and center console. At 04:03, Lieutenant Stefopoulos gets into the driver’s seat while other officers converse with him to try to find the mechanism to activate the plate cover. At 05:11, Lieutenant Stefopoulos presses several buttons on the dashboard and finds the mechanism to activate the cover. At the prompting of other officers, he

activates and deactivates the plate cover several times. At 05:44, he exits the vehicle.

BWC footage from Det. Kelly and PO Ferguson (**BR 08, 10**) shows that at 03:24 and 01:44, respectively, Det. Rogowski opens the front passenger side door and briefly searches the front passenger area of the vehicle.

The CCRB received negative results for BWC footage from Det. Rogowski (**BR 01**).

Lieutenant Stefopoulos (**BR 14**) stated that he heard Sgt. Seder ask § 87(2)(b) if everything was good with the car and if the officers were going to find anything in the car. § 87(2)(b) replied with something along the lines of, “It’s all good,” or, “The car’s good.” § 87(2)(b) also may have said, “Go check,” and, “You won’t find anything.” Based on what he was saying to Sgt. Seder, Lieutenant Stefopoulos took § 87(2)(b)’s statement to Sgt. Seder as consent to search the car. Lieutenant Stefopoulos looked at the driver’s side door, which was open, and saw a knife in the door jamb. Lieutenant Stefopoulos removed the knife and examined it before returning it to its original spot, as his focus was on locating the mechanism that activated the plate cover in the back. Lieutenant Stefopoulos did not remember exactly where he searched for the remote beyond the general area of the driver’s seat/console area but was eventually able to locate the remote inside the vehicle.

Sgt. Seder (**BR 15**) stated that he heard Lieutenant Stefopoulos ask § 87(2)(b) for consent to search his person and his car by asking, “You got nothing on you right?” § 87(2)(b) replied, “Yeah, you’re good. You’re money, you’re money.” Sgt. Seder believed that § 87(2)(b) offered consent by that statement but decided to ask for consent again to be sure. Sgt. Seder asked § 87(2)(b) “Everything’s good? Car’s good?” and § 87(2)(b) nodded his head and replied, “Yes, everything’s good.” Sgt. Seder understood that statement to mean the officers could search both § 87(2)(b) and his vehicle. Sgt. Seder searched the backseat of the car for the wiring that would connect and activate the plate cover. Lieutenant Stefopoulos found the wiring and mechanism in the front of the vehicle and stopped the search. Sgt. Seder then exited the vehicle.

Det. Kelly (**BR 16**) stated that he stuck the flashlight past the windowpane to look into the back seat because it was dark outside, and he could not see into the interior of the vehicle. In addition, he wanted to make sure there was nothing in the vehicle that could harm him or his fellow officers. Det. Kelly heard an officer ask § 87(2)(b) to step out. Det. Kelly then heard, “the car’s good” and assumed that Lieutenant Stefopoulos asked for and received consent. Det. Kelly also understood the phrase, “The car’s good,” as sufficient consent to conduct a vehicle search. Det. Kelly opened the rear passenger side door and searched the rear passenger seat but did not find any contraband/remove anything from the backseat. There was nothing in the vehicle that Det. Kelly observed that raised his suspicion.

Det. Rogowski (**BR 19**) did not remember if he saw anything in the vehicle that raised his suspicion but had a general concern for officers’ safety because he did not know what was in the vehicle or what § 87(2)(b) may have been thinking. Det. Rogowski heard an officer say, “The car’s good,” which in his experience meant that consent had been provided to search the vehicle. Det. Rogowski searched the front passenger seat and surrounding areas for weapons. No contraband was recovered as a result of the search, nor did Det. Rogowski remove anything from the vehicle. Det. Rogowski did not hear the conversation surrounding the issuance of consent to search the vehicle and relied on the officer who spoke with § 87(2)(b) for that information.

Right to Know Act Section 14-173 (BR 25) states that officers “need to first obtain voluntary, knowing, and intelligent consent prior to the search of a person, or a person’s vehicle...when such search is not conducted pursuant to a warrant, any other exception to the warrant requirement under applicable law, or probable cause, or when such search is not incident to a lawful arrest...officers must use plain and simple language delivered in a non-threatening manner, that the person who is the subject of the search is being asked to voluntarily, knowingly, and intelligently consent to such search, and explaining that such search will not be conducted if such person refuses to provide consent to such search.”

People v. Gonzalez, 39 N.Y.2d 122 (1976) (BR 39) states that providing consent to search must be a “free and unconstrained choice” and must be voluntarily given without coercion.

NYPD Patrol Guide Procedure 212-11 (BR 40) states that when asking for consent to search, consent must be voluntarily given, and officers must ask for said consent in “a manner that elicits a clear ‘yes’ or ‘no’ response.” While seeking consent, officers also must make clear that a search will not happen if consent is not given.

People v. Woods, 189 A.D.2d 838 (1993) (BR 26) states that stops for traffic offenses do not justify a search of the motorist or of the vehicle unless there are reasonable grounds for believing the motorist guilty of a crime.

People v. Diaz, 81 N.Y.2d 106 (BR 41) states that “under the plain view doctrine, if the sight of an object gives the police probable cause to believe that it is the instrumentality of a crime, the object may be seized without a warrant if three conditions are met: (1) the police are lawfully in the position from which the object is viewed; (2) the police have lawful access to the object; and (3) the object's incriminating nature is immediately apparent.” In addition, “Because the item is already in the open where it may be seen, the owner can have no expectation of privacy in its concealment and, thus, its viewing cannot be a search.”

§ 87(2)(g)

**Allegation (N) Abuse of Authority: Lieutenant Nikolaos Stefopoulos failed to provide § 87(2)(b) with a business card.**

It is undisputed that § 87(2)(b) did not receive any business cards during the incident and that Lieutenant Stefopoulos, the ranking officer on scene, frisked § 87(2)(b) and oversaw the vehicle search.

§ 87(2)(b) (BR 02) stated that when officers had finished searching the vehicle, everyone began walking away from § 87(2)(b) and his vehicle. § 87(2)(b) asked several officers for their business cards, but they responded that they did not have any cards on their person. § 87(2)(b) took several pictures of their names and shield numbers, which they allowed him to do while also informing him that they were assigned to the “community response team.”

BWC footage from Lieutenant Stefopoulos (BR 05) shows that at approximately 06:32, Det. Russo, who is standing in the rear next to § 87(2)(b) PO Gluth, and PO Dejesusnunez, tells § 87(2)(b) to step back into his vehicle. § 87(2)(b) asks PO Gluth, Det. Russo, Lieutenant Stefopoulos and PO Dejesusnunez for a business card. Lieutenant Stefopoulos replies that he does not have a business card, but that § 87(2)(b) could take down his name. At 06:58, § 87(2)(b) takes a picture of Lieutenant Stefopoulos’ shield while Lieutenant Stefopoulos says his name, his rank, and that he has no badge number. § 87(2)(b) then walks away towards his vehicle while Lieutenant Stefopoulos walks back towards his own vehicle. Footage from Det. Russo and PO Gluth (BR 11, 12) corroborates that of Lieutenant Stefopoulos. There is no BWC footage from PO Dejesusnunez (BR 01).

Lieutenant Stefopoulos (BR 14) stated he did not provide § 87(2)(b) a business card because he had run out of cards (on his person) by the time of the incident. However, Lieutenant



Stefopoulos offered for § 87(2)(b) to take a picture of his name tag, and § 87(2)(b) did so before returning to his vehicle and driving away.

New York City Administrative Code 14-174 (BR 27) states that officers must offer a business card to any individual with which they conduct a law enforcement activity, including stops, questions, frisks, and searches, at the conclusion of said activity, which does not result in an arrest or summons.

NYPD Administrative Guide 304-11 (BR 28) states that members of the service are required to provide business cards, as appropriate, at the request of members of the public. If the supply of right to know act business cards becomes depleted, members of the service must allow the member of the public ample time to write down or record identification information, including their name, rank, shield number, and command.

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 34**).
- Lieutenant Stefopoulos has been a member of service for sixteen years and has been a subject in 28 CCRB complaints and 95 allegations, of which eight have been substantiated (**BR 30**):
  - Case #201409178 involved substantiated allegations of a hit against an inanimate object, discourteous word, and threat of force. The Board recommended charges and Lieutenant Stefopoulos was found not guilty in an APU trial.
  - Case #201411079 involved substantiated allegations of a frisk and a search. The Board recommended Command Discipline A and the NYPD implemented formalized training.
  - Case #201608641 involved a substantiated allegation of a stop. The Board recommended Command Discipline A and the NYPD implemented Command Discipline A.
  - Case #202207941 involved substantiated allegations of physical force and discourteous word. The Board recommended charges and the NYPD has not yet imposed discipline. § 87(2)(g)
- PO Ademaj has been a member of service for three years and has been a subject in two CCRB complaints and three allegations, none of which have been substantiated. § 87(2)(g)
- Sgt. Rogowski has been a member of service for ten years and has been a subject in four CCRB complaints and 16 allegations, of which three have been substantiated (**BR 31**):
  - Case #202004990 involved substantiated allegations of a chokehold, physical force, and a false official statement. The Board recommended charges and the NYPD implemented Command Discipline B, along with forfeiture of ten vacation days. § 87(2)(g)
- Det. Dejesusnunez has been a member of service for five years and has been a subject in one CCRB case and three allegations, which have not been substantiated. § 87(2)(g)
- Det. Russo has been a member of service for five years and has been a subject in five CCRB complaints and ten allegations, none of which have been substantiated. § 87(2)(g)
- PO Gluth has been a member of service for five years and has been a subject in six CCRB complaints and seven allegations, of which one has been substantiated (**BR 32**):
  - Case #201908128 involved a substantiated allegation of an entry of premises. The Board recommended formalized training and the NYD imposed formalized training. § 87(2)(g)

- Sgt. Seder has been a member of service for 15 years and has been a subject in 15 CCRB complaints and 30 allegations, of which two have been substantiated (**BR 33**):
  - Case #201603830 involved a substantiated allegation of a question. The Board recommended instructions and the NYPD imposed instructions.
  - Case #202203035 involved a substantiated allegation of a vehicle search. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A. § 87(2)(g)
- Det. Kelly has been a member of service for five years and has been a subject in six CCRB complaints and 18 allegations, none of which have been substantiated. § 87(2)(g)

#### **Mediation, Civil, and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- On May 31, 2024, a FOIL request was submitted to the Office of the New York City Comptroller. Results will be attached upon receipt (**BR 35**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### **RPBP History**

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad No.: 10

Investigator:	<u>Justin Huang</u>	<u>Investigator Huang</u>	<u>06/07/2024</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Maura R. Roche</u>	<u>IM Maura R. Roche</u>	<u>06/10/2024</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date